

REMARKS

Claims 1-20 are pending in this Application. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejections

In the Office Action dated July 27, 2007, claims 1-20 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Pat. Publ. No. US 2004/0155963 to Kondo et al. In the Response filed on November 7, 2007, attorney for applicants submitted a Declaration Pursuant to 37 C.F.R. §1.131 establishing reduction to practice before the filing date of Kondo et al.

The Office Action dated January 28, 2008 found that the Declaration was insufficient to establish diligence from a date prior to Kondo et al. In particular, the Office Action found that “There is no clearly labeled exhibits A, or B or C” (Office Action of 1/28/08, page 2).

A Notice of Abandonment of the Application was mailed on September 2, 2008. In particular, the Notice asserts that no reply was received to the Office Action of January 28, 2008.

A Petition for Revival was filed on October 27, 2008. The Petition for Revival resubmitted the Declaration Pursuant to 37 C.F.R. §1.131 along with clearly labeled exhibits A, B and C.

A Decision on the Petition was mailed on February 2, 2009. The Decision on the Petition dismissed the Petition. The Decision asserts that “A grantable petition under 37 CFR 1.137(b)

must be accompanied by: (1) the required reply . . . The proposed reply . . . must be . . . an amendment that *prima facie* places the application in condition for allowance, or the filing of a submission under 37 CFR 114 (RCE)” (Decision on Petition, page 1).

Included herewith is a Request for Continued Examination under 37 C.F.R. §1.114. Accordingly, the Petition to Revoke is now in proper form and should be granted.

It is respectfully submitted that the Declaration Pursuant to 37 C.F.R. §1.131 establishes conception before Kondo et al. and diligence from before Kondo et al. was filed until the above-identified Application was filed on December 11, 2003. Paragraph 2 and Exhibit A of the Declaration establishes conception of the invention prior to October 9, 2003. Exhibit B of the Declaration establishes that the inventors were diligent in obtaining approval of their employer’s patent committee by at least October 23, 2003. Exhibit C establishes that a first draft of the Application was completed by at least December 3, 2003. The Declaration, including Exhibits A, B and C clearly show conception before October 9, 2003 and diligence on the part of the inventors in preparation and the filing date of the Application on December 11, 2003.

Accordingly, the claimed invention was invented prior to the filing date of Kondo et al. Since the claimed invention was invented prior to Kondo et al., the rejections of claims 1-20 under 35 U.S.C. §102 as anticipated by Kondo et al. are improper and should be withdrawn.

Even assuming *arguendo* that the Declaration was not sufficient to remove Kondo et al. as anticipatory art (which it is), there is another reason why the claims are not anticipated by Kondo et al. In this regard, independent claim 1 has been further limited to “a plurality of security

sensors for detecting a security/alarm event, each located elsewhere with respect to the plurality of video cameras and each having an RF transmitter for transmitting an RF security/alarm event message indicating detection of a security/alarm event.” Independent claim 11 has been similarly limited. Support for the further limitation of claims 1 and 11 is provided by paragraph [0005] of the specification.

FIGs. 1 and 2 of Kondo et al. clearly show that the Kondo et al. sensors 23, 24 and camera 21 are all included within the Kondo et al. multi-sensor camera unit 1. Since the claims are now limited to “a plurality of sensors . . . each located elsewhere with respect to the plurality of video camera”, Kondo et al. does not do the same or any similar thing as that of the claimed invention. Since Kondo et al. does not do the same or any similar thing as that of the claimed invention, the rejections based upon Kondo et al. are now improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue

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Amendment under Rule 37 CFR § 1.113

fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. *(If filed by paper, a duplicate copy of this sheet(s) is enclosed).*

Respectfully submitted,

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By: 

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